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ABSTRACT

This paper focuses on the problem of sexual harassment in the workplace. The legal definition of sexual harassment as drawn up by the Equal Employment Opportunity Commission is: "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that are explicitly or implicitly a term or condition of an individuals employment or are the basis for employment decisions." The document traces the history of sexual harassment as an issue in the courts. In 1986 the Supreme Court found that sexual harassment creates a hostile work environment and so is a violation of Title VII of the Civil Rights Act. By 1991 the Court had established that the question of harassment must be viewed from the perspective of a reasonable "woman" rather than a reasonable "person", since men, who are rarely victims of sexual assault, may lack the ability to perceive the underlying threats that a woman may perceive. A "box" showing how women respond to harassment in which behaviors are listed under "internal" and "external" focus is included. A graph illustrates the steps involved in filing a discrimination charge with the Equal Employment Opportunity Commission (EEOC). The overwhelming majority of victims of sexual harassment are unwilling to file claims because they fear that this will simply lead to more trouble. Victims sometimes accept sexual harassment as part of the cost of doing business. Fear of not being believed, an unwillingness to open up one's personal life to public scrutiny, and possible harm to one's career all figure in the decision not to pursue action against a harasser. Ways in which women can eliminate sexual harassment are suggested; they include working for effective legal remedies, increasing communication in the workplace, and educating the employer about the real cost of sexual harassment in the work place. (DK)

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CRIME OF POWER, NOT PASSION

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SEXUAL HARASSMENT IN THE WORKPLACE

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THE BUSINESS AND PROFESSIONAL WOMEN'S FOUNDATION
provides information, education and research programs designed
to help improve the economic status of working women.

Established in 1956 by the members of Business and Professional Women/USA (BPW/USA), the BPW Foundation is a nonprofit public grantmaking organization governed by a volunteer Board of Trustees comprised of BPW leaders and public representatives.

April 1992

cover illustration by Yvette Webster

Debbie, a corporate treasurer on the board of directors of a private company, was told by the president and CEO that if she was to retain her job she would have to grant sexual favors. Unable to face the threat of dismissal and the fear of rape, Debbie quit her job.

Sherry, a nurse, was shocked when the hospital pharmacist grabbed her breasts in the hallway. When she complained, she was told that it was just part of the job — she'd just have to put up with it. Only after repeated complaints from several other women was the pharmacist demoted — with no loss in pay.

At a recent business meeting, Bob, the chief resident of psychiatry at a New England medical center, noticed that a female colleague was the sole critic of a proposal being presented. After some debate, during which, in his opinion, she became rather caustic, the meeting adjourned. Bob and several male colleagues were gathering their papers, when Bob's supervisor chuckled and said, "One of you guys needs to help her out. She's wound up."

Sexual harassment of working women has been a problem since men and women first began working in the same offices. The above stories span more than a decade, illustrating that sexual harassment remains a problem today. The stories also portray a continuum of sexually inappropriate behaviors. Although the final incident does not contain any overt harassment of the female colleague, it nonetheless sends a clear message to her male co-workers that, because of her gender, she and her contributions to the workplace do not have to be taken seriously.

Although most individuals today recognize unwelcome sexual conduct in the office as clearly inappropriate, the issue was not deemed a workplace concern until the 1970s and, furthermore, was not seriously addressed by advocacy groups, legislators and policy analysts until the early 1980s. The recent hearings on the confirmation of Judge Clarence Thomas to the Supreme Court vividly illustrate how little progress has been made on eradicating sexual harassment and changing public perceptions of the issue over the past decade. Since the Thomas hearings, disheartening articles on the state of discourse between men and women in the office have appeared in most national media. The way in which the issue is still cast — as a communication problem between individuals rather than as a systemic devaluation of female employees — points out how far we have yet to go in both understanding and eliminating sexual harassment of women in the workplace.

SEXUAL HARASSMENT: A WIDESPREAD PROBLEM

Sexual harassment is a pervasive workplace problem. The National Council for Research on Women has found that 50 to 85 percent of American women will experience some form of sexual harassment during their academic or working life. Two surveys conducted by the U.S. Merit Systems Protection Board in 1980 and 1988 found that an identical 42 percent of the women responding reported being sexually harassed in the two prior years. In a survey conducted by *Newsweek* magazine at the time of the Thomas hearings, 21 percent of the women polled said they had been harassed. At the same time, the *New York Times* found that 4 out of 10 women polled had been harassed and that 5 out of 10 men reported that they had said or done something that could be construed to be harassment. Approximately 90 percent of sexual harassment cases involve men harassing women, 9 percent involve same-sex harassment and 1 percent involve women harassing men.

A 1988 survey conducted by *Working Woman* magazine found that almost 90 percent of the Fortune 500 companies surveyed had received sexual harassment complaints; over a third had been hit with law suits and nearly a fourth had been repeatedly sued. Women are nine times more likely than men to quit their jobs, five times more likely to transfer and three times more likely to lose their jobs because of sexual harassment.

EVERY WOMAN A POTENTIAL VICTIM

Contrary to a prevalent belief, no one type of woman is a target for harassment and no woman is safe from possible victimization. Women at all socioeconomic and occupational levels and women of all races, ethnic backgrounds, ages and marital categories are harassed. A 1980 U.S. Merit Systems Protection Board survey found that "there seems to be no relationship between the incidence of sexual harassment and the salary

bracket of women victims." Women generally suffer harassment from their supervisors and co-workers; nevertheless, cases of harassment from subordinates do occur. Dr. Elizabeth Grauerholz, an assistant professor at Purdue University, has studied sexual harassment of female professors by students and found that "even in a situation in which a woman has clearly defined authority, gender continues to be one of the most salient and powerful variables governing work relations, i.e., gender expectations may override occupational norms, regardless of the woman's status."

Although women in all occupations are subject to possible harassment, women who are employed in "pink collar" jobs — the majority of working women — are vulnerable to sexual harassment in large part due to their lack of control over their working environment, according to a NOW Legal Defense and Education Fund study. Barbara Bergmann, in her book *The Economic Emergence of Women*, argues that male bosses pressure female subordinates for sexual favors "partly for their own sake and partly for a demonstration of his superior status and his ability to get her to do what he wants. Sometimes the sexual harassment of a woman in a typically female job is done to show her and her coworkers that she is always a sex object and so cannot be a serious competitor of men."

Sexual harassment plays an important role in keeping men and women segregated in the workplace.

Women in jobs that are traditionally "male" are no less vulnerable to harassment. Indeed, women in male bastions of employment often face more severe levels and types of harassment. Over one-third of women working on factory production lines and nearly all in construction work report sexual harassment on the job, and two out of three women in the military surveyed in a 1990 study conducted by the Women's Legal Defense Fund said that they had been sexually harassed. Men often view the entry of women into male-dominated professions as an encroachment into "their territory" and use sexual harassment as a means of discouraging women from entering or remaining in the field. In this way, sexual harassment plays an important role in keeping men and women segregated in the workplace.

NO "TYPICAL" SEXUAL HARASSER

As with the victims of sexual harassment, there is no such thing as a "typical" harasser. Men who sexually harass women come from all socioeconomic and economic levels and all races, ethnic backgrounds, ages and marital categories.

There is hope, however. Studies have estimated that only 1 percent of men are chronic harassers, i.e. men who continue offensive behavior even after they have been informed that their actions are offensive. The other 99 percent of harassers may be suffering from "cultural lag." Because the identification of sexual harassment as inappropriate and illegal behavior has only recently been recognized, a gulf often exists between what men and women consider to be harassment. Education about what constitutes sexual harassment, an increased willingness of women and men to challenge inappropriate workplace behavior and the ever growing familiarity and acceptance of women in the workplace may be all that is necessary to change the behavior of the majority of harassers.

THE COSTS OF SEXUAL HARASSMENT

Sexual harassment not only impedes a woman's career opportunities, but also takes a toll on its victim's physical and emotional health. Victims of sexual harassment may experience headaches, anxiety attacks, gastrointestinal disorders, sleep disturbances, disordered eating patterns, nausea, weight gain or loss and crying spells. Additional psychological effects include lowered self-esteem and feelings of powerlessness. The American Psychiatric Association has recognized sexual harassment as a "severe stressor."

Although the emotional effects from harassment are often devastating, the economic effects are no less ruinous. Victims of harassment may have to leave a rewarding job for one with fewer monetary and professional benefits. Furthermore, if the victim does have to leave her job in order to end the harassment,

How Women Respond to Harassment

Internally Focused Behaviors

Detachment — Minimizing the situation, treating it like a joke or deciding it was not really important.
Denial — Pretending nothing is happening, trying not to notice, hoping it will stop, trying to forget about it.
Relabeling — Offering excuses for the harasser or interpreting the behavior as flattering.
Illusory control — Attributing harassment to one's behavior or attire.
Endurance — Suffering in silence, either through fear or retaliation, blame or embarrassment or in the belief no one will help

Externally Focused Behaviors

Avoidance — Quitting a job, dropping a class, etc.
Assertion Confrontation — Confronting the harasser, making it clear the behavior is unwelcome.
Seeking Institutional Help — Reporting the incident.
Social Support — Seeking support and acknowledging the reality of the occurrence.
Appeasement — Attempting to placate the harasser.

Source: Dr. Louise Fitzgerald, University of Illinois

she may suffer long-term economic losses. Along with the loss of a paycheck, if she remains out of the the work force for any length of time, her Social Security and any private pension will be disrupted. Medical fees may increase, as the victim seeks counseling or visits the doctor more often to deal with the physical affects of the harassment. If the victim files a claim, she may face attorney's fees. Because of the damages allowed under current anti-discriminatory laws, even those victims who file claims and win may still not recoup all economic losses incurred as a result of the harassment.

The victims of harassment are not the only ones affected by sexual harassment. Their companies are also affected. The 1987 U.S. Merit Systems Protection Board survey estimated that during a two-year period sexual harassment cost the government $267 million in lost productivity and turnover. The costs of sexual harassment were calculated from estimates of employee turnover, absenteeism, reduced productivity and maintenance of internal complaint mechanisms. A 1988 *Working Woman* magazine survey of 160 large manufacturing and service companies found that a typical Fortune 500 company with 23,750 employees loses $6.7 million a year because of sexual harassment. This figure does not include any legal fees resulting from sexual harassment claims filed against the company. Financial losses accrue from absenteeism, lower productivity, turn-over, training and re-training costs and lower morale and loss of teamwork. Harassment affects all employees, not just those who suffer directly from the the harassment.

THE LEGAL DEFINITION OF SEXUAL HARASSMENT

In 1980, the Equal Employment Opportunity Commission (EEOC) issued guidelines defining sexual harassment as a form of discrimination under Title VII of the Civil Rights Act. (The EEOC guidelines do not proscribe all sexual conduct in the workplace. A distinction is clearly drawn between unwelcome and welcome sexual conduct.) The guidelines define sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that are explicitly or implicitly a term or condition of an individual's employment or are the basis for employment decisions." Also prohibited is "sexual conduct that unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive working environment," even if this conduct leads to no tangible detrimental economic or employment consequences. The EEOC also states that a single incident, unless severe, does not constitute harassment or create a hostile environment.

Although the EEOC guidelines prohibit both "explicit" and "implicit" sexual conduct, prior to 1986 it was virtually required that a "quid pro quo" relationship, i.e. the extraction of sexual favors in

exchange for job security or promotional possibilities, be proven by the plaintiff in order for a court to find a violation of her or his civil rights. In 1986, however, the Supreme Court made a seminal ruling in *Meritor Savings Bank v. Vinson*, finding that sexual harassment creates a "hostile work environment" and thus is in violation of Title VII of the Civil Rights Act. Additionally, the Court found that employers may be held liable for the conduct of their employees, even if they have not been apprised of the employee's illegal behavior. This landmark decision extended the protection offered to women under the Civil Rights Act by explicitly establishing that both "quid pro quo" and a "hostile work environment" constitute sexual harassment. Justice William Rehnquist, in his decision, also stressed that "the touchstone of harassment was whether the sexual behavior was unwelcome, not whether the victim's response may have been technically voluntary. A victim's willingness to remain in her job despite harassment should not undermine the validity of her claim, nor does it signal that she invited or accepted harassing behavior."

> The question of harassment must be viewed from the perspective of a reasonable *woman* rather than a reasonable *person*.

A case filed during the same time period, however, demonstrates the difficulty experienced by the judicial system in interpreting the legality of sexual conduct in the workplace. An administrative assistant at a refining company filed suit against her employer, alleging that a hostile work environment existed due to language and behavior of co-workers and the posting of photographs of nude women throughout the company. According to testimony in the case, a co-worker called the plaintiff and other female employees "whores" and other sexually explicit names, and once said that all the plaintiff needed was a "good lay." The Federal Appeals Court in Cincinnati ruled against the plaintiff and, quoting from the trial judge, said, "It cannot seriously be disputed that in some work environments, humor and language are rough hewn and vulgar. Sexual jibes, sexual conversations and girlie magazines may abound. Title VII was not meant to nor can it change this. It was not designed to bring about a magical transformation in the social mores of American workers."

In a case decided in 1991, however, the judge issued a sharply distinct ruling. In *Robinson v. Jacksonville Shipyards*, a U.S. District Judge in Florida ruled that the civil rights of Lois Robinson, a welder, were violated by Jacksonville Shipyards, Inc., where photos of nude women were displayed throughout the workplace and co-workers made crude sexual remarks to their female colleagues. As in the *Meritor* case, a "hostile work environment" was found to exist. (This case is currently under appeal before the Eleventh Circuit.) In another important ruling, the U.S. Court of Appeals for the Ninth Circuit reinstated a lawsuit filed by an IRS employee, who received "love letters" from a colleague. In *Ellison v. Brady*, 1991, the court said "that the question of harassment must be viewed from the perspective of a reasonable *woman* rather than a reasonable *person*. Women who are victims of mild forms of sexual harassment may understandably worry whether a harasser's conduct is merely a prelude to violent sexual assault. Men, who are rarely victims of sexual assault, may view sexual conduct in a vacuum without a full appreciation of the social setting or the underlying threat of violence that a woman may perceive."

FILING SEXUAL HARASSMENT CHARGES

If a person is being sexually harassed or is affected by a discriminatory environment, it is usually in their best interest to directly inform the harasser that the conduct is unwelcome and must stop. If the discriminatory conduct does not stop, the victim should then use any employer complaint mechanism or grievance system available. If the discrimination continues after an attempt is made to resolve the matter internally, the next step for the victim is to contact the EEOC. There is one important exception, however. If a victim works for a firm with fewer than 15 employees, she or he must file a claim with her or his state or local antidiscriminatory agency instead of the EEOC. (Firms with fewer than 15 employees are not covered by EEOC guidelines.) State agencies differ considerably from the EEOC and, sometimes, it is advantageous to file with the State agency rather than the EEOC. State agencies usually have smaller backlogs and are able to resolve cases more quickly; additionally, some states allow for punitive damages as well as compensatory. It

is somtimes possible to file concurrently with both agencies; regulations vary from state to state. However, five states (Alabama, Arkansas, Georgia, Louisiana and Mississippi) do not have state agencies. Victims residing in these states who work for employers with fewer than 15 employees are advised to contact a lawyer for counsel on any remedies available to them.

Headquartered in Washington, D.C., the EEOC has 50 regional offices where employees may file discrimination charges. A charge may be filed in person, by phone or by mail, but must be filed within 180 days of the discriminatory act. This limit may be extended to 240 to 300 days where there is a state or local Fair Employment Practices Agency (FEPA). Victims who work in the private sector may file with a FEPA, if the FEPA office is closer than the nearest EEOC office. However, federal employees must seek counsel with the Equal Employment Office (EEO) within their agency. According to a public affairs specialist at EEOC headquarters, all federal agencies throughout the country have at least one EEO counselor within the agency. Additionally, federal employees must seek counsel within 30 days of the discriminatory act(s), rather than the 180-day limit for private employees. The EEOC will assist the person filing the claim and their employer in finding a reasonable solution to harassment charges at any time during the investigation stage.

Once a person or party files a charge, the investigation process begins. The person pursuing a harassment claim is first interviewed by the EEOC to obtain all information about the alleged discrimination. If all legal jurisdictional requirements are met, a charge is then drafted by the EEOC, and all procedures are explained to the victim. (The legal jurisdictional requirements vary depending on the specific regulations of the act and title in question.)

The next step is notification of the employer about the charge. As part of the investigatory process, the EEOC then requests information from the employer about the issues directly affecting the victim as well as other potentially aggrieved persons. Witnesses such as other employees and management personnel may also be interviewed.

If, after the investigation is completed, the EEOC concludes that there is no reasonable cause to believe discrimination occurred, they will notify the person filing the claim and the employer and the case will be closed. However, if the person pursuing the claim disagrees with the EEOC decision, he or she may request, in writing within 14 days, that the decision be reviewed by EEOC headquarters. At any time during the investigative procedure, the victim may also retain a private lawyer and file a private court action. However, once the EEOC or the FEPA has filed suit in court, the person filing the claim loses the right to file privately.

If the investigation shows there is reasonable cause to believe discrimination occurred, the EEOC will pursue the case. Filing charges and notifying the employer does not necessarily indicate the EEOC is about to take the next step, though. However, if 180 days pass after the victim files a charge and the EEOC has taken no steps to reconcile the matter, the victim, under Title VII, may request a right-to-sue notice. The person would then have 90 days to file a private court suit.

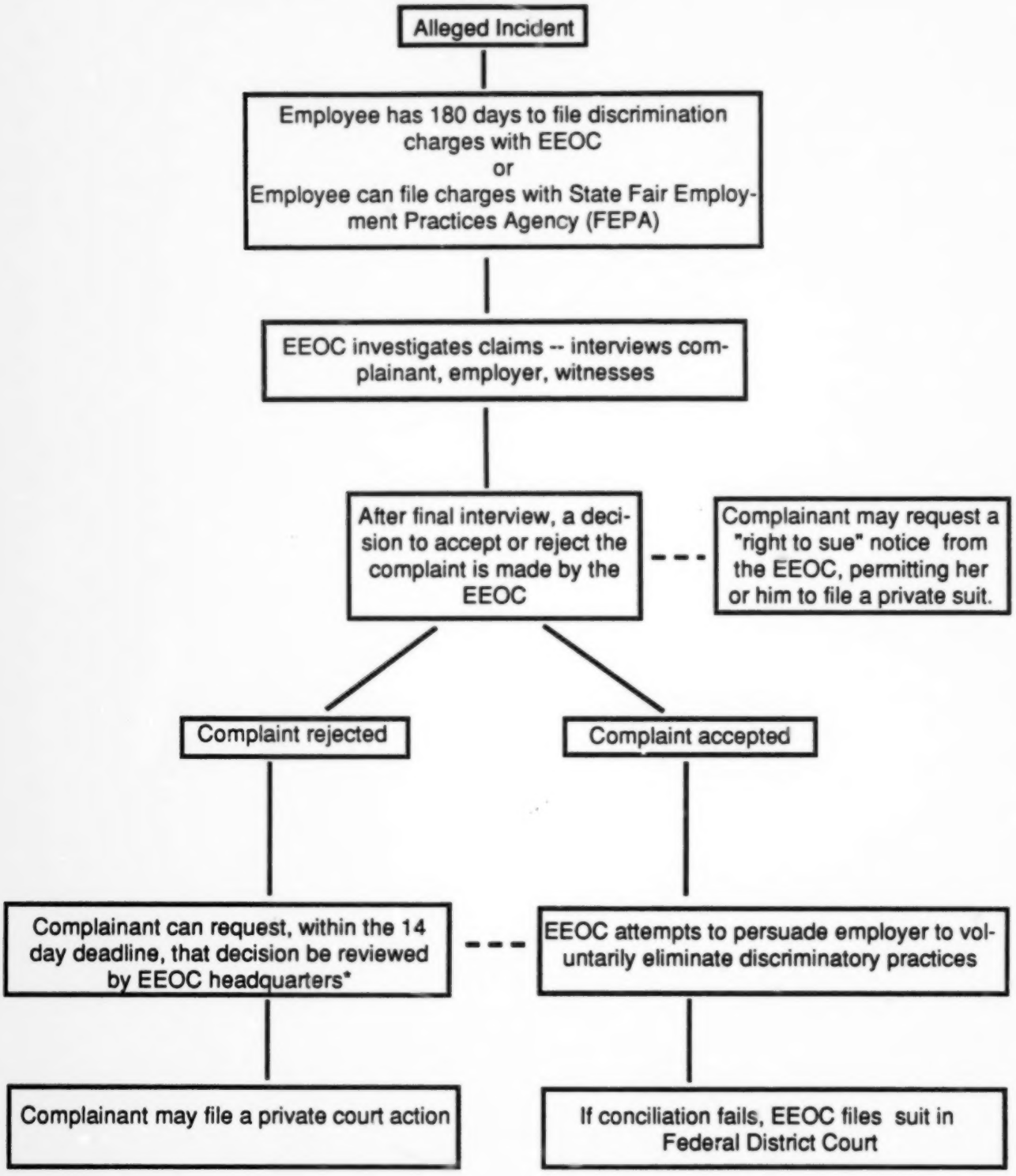
The first step the EEOC takes, once it has determined discrimination occurred, is to attempt to persuade the employer to voluntarily eliminate the discriminatory behavior or practices. This process is referred to as "conciliation." Conciliation may include reinstatement of the victim to the job she or he lost due to discrimination; restoration of lost pay and benefits; posting of a notice in the workplace by the employer to advise employees that it has complied with orders to remedy the discrimination; and requirements that the employer cease the discriminatory practice(s) and take action to ensure that similar violations will not recur.

The final step in the investigation procedure occurs if the employer does not voluntarily implement the above steps. EEOC will then file a lawsuit in federal district court on behalf of the victim or the victim may initiate private civil action on their own in lieu of EEOC litigation.

WHY MORE CLAIMS AREN'T FILED

Only 1 to 7 percent of all women who report sexual harassment in surveys actually file formal complaints, according to a survey by the Women's Legal Defense Fund. Only 5 percent of the government employees who indicated in the 1987 U.S. Merit Systems Protection Board Survey that they had been sexually harassed actually filed formal complaints or requested investigations. The formal annual complaint rate across all companies is 1.4 per thousand women employees.

FILING A DISCRIMINATION CHARGE WITH THE EEOC



*EEOC Headquarters may then accept the complaint.

The overwhelming majority of victims of sexual harassment are unwilling to file claims because they fear that this will simply lead to more trouble; i.e., their claim will not be believed, they will suffer retaliation — including loss of employment — or they will be labeled troublemakers and problem employees. Additionally, victims sometimes accept sexual harassment as part of the cost of doing business. Frances Conley, a tenured professor at Stanford Medical School who resigned her position in part due to sexual harassment (although she has recently returned to Stanford upon promises of change by the administration) admitted, "You put up with a lot and try to be one of the crowd." Most women have heard, "Oh, you're too sensitive, can't you take a joke?", when they have protested derogatory or inappropriate comments made by male colleagues. The desire to be part of a team is strong — fitting into a team structure is rewarded, standing out is usually not.

Fear of not being believed, an unwillingness to open up one's personal life to public scrutiny and possible harm to one's career all figure in the decision not to pursue action against a harasser. The problems inherent in reporting incidents also discourage many victims from filing claims. For government employees, the process of filing a claim is complex, often costly and lengthy. Joseph Sellers, an attorney with the Washington Lawyers Committee for Civil Rights Under the Law, has said about the process, "As soon as [many employees] hear what the process is, they say forget it." Currently, if an employee wishes to file a complaint, she or he has thirty days after the alleged incident occurs to bring the matter up with the agency's EEO counselor, who then tries to resolve the matter informally. If this effort fails, a formal complaint may be filed. At this point, the government has no mandatory time limit for completing the various stages of the process, only the complainant is under time constraints. The House Civil Service subcommittee has found that it takes an average of 400 days for agencies to rule on EEO claims.

Fear of not being believed, an unwillingness to open up one's personal life to public scrutiny and possible harm to one's career all figure in the decision not to pursue action against a harasser.

In the private sector, the situation is not much better. The problem of sexual harassment is still often not taken seriously by the business community. Stephen Anderson, a Denver business consultant, estimates that a majority of the companies in the U.S. still do not have sexual harassment policies — either preventive or reactive — or they have programs that are perfunctory and accomplish little in decreasing the incidence of harassment in the workplace. If a company does not have a sexual harassment policy, or if the policy is not enforced, victims of harassment must then turn to the EEOC and face the same problems as federal employees.

If a victim of sexual harassment decides to forge ahead and file a claim, she or he may soon discover that it's not worth her time and effort. EEOC decisions are not binding on federal agencies or private companies. According to an EEOC study of 1989 cases, agencies rejected the EEOC's finding of discrimination 58 out of 100 times, and, although sexual harassment is denounced by both federal and private employers, more often than not the "guilty party" is not disciplined in any way.

If a victim succeeds in proving sexual harassment in court, the remedies are limited, due to the damage caps incorporated into the Civil Rights Act of 1991, making her victory quixotic at best. Additionally, as was seen most recently in the Thomas hearings, a woman charging sexual harassment soon discovers that her behavior will be discussed and analyzed much more so than that of the defendant. A discussion of whether discriminatory behavior occurred will often degenerate into a discussion of the victim's — not the perpetrator's — behavior. Another reason women experiencing sexual harassment do not file claims is their dependence upon the harasser for not only their current jobs but also potential jobs. "Victims concerned about their careers are often dependent on a cordial relationship with a former employer for positive references and advancement to future posts," according to the National Council for Research on Women.

ADDRESSING THE PROBLEM

The above overview paints a discouraging picture. There are, however, some positive actions emerging on the horizon.

The Civil Rights Act of 1991 was signed into law by President Bush on November 25, 1991. This bill does provide some redress for victims of sexual harassment. However, under the bill, damages are limited to $50,000 for companies with 16-100 employees — 97 percent of all businesses. Women, persons with disabilities and certain religious minorities are the only ones affected by the caps, because victims of discrimination based on race or national origin can seek redress under a different section of the Civil Rights Act of 1964. The Civil Rights Act of 1991 effectively singles out women and perpetuates the perception that sexual harassment and sex discrimination are not taken seriously in the halls of the Capitol.

The 1991 Civil Rights Act was passed (in part) to correct inequities resulting from the interpretation of the 1964 Civil Rights Act. The Civil Rights Act of 1964 provided that victims of intentional discrimination based upon race, sex, religion and national origin could recover back pay, employment or reinstatement if they had been terminated. However, the Act did not provide for compensatory and punitive damages. Subsequently, the Supreme Court held that Section 1981 (part of the post civil war statute which prohibited intentional employment discrimination on the basis of race) permitted victims of discrimination based on race or ethnicity to recover compensatory and punitive damages, in addition to the remedies provided by the Civil Rights Act of 1964. Compensatory damages are monetary awards for losses such as medical injuries and emotional distress which result from the employer's discrimination. Punitive damages are designed to punish an employer who has committed particularly egregious discriminatory acts. However, since victims of intentional discrimination based on sex, disability and some forms of religious discrimination were not protected under Section 1981, the only relief that a judge could award such claimants was back pay, employment or reinstatement if a job was lost. Although the 1991 Civil Rights Act does provide some relief to victims sexual harassment, as a result of the damage caps, many victims of intentional discrimination will continue to be denied full relief.

Private companies, in the aftermath of the Thomas hearings, have also shown renewed interest in developing company policies on sexual harassment. "The best ways for a company to deal with sexual harassment," according to Linda Singer, attorney with Lichtman, Trister, Singer and Ross, "is to come up with a tough, clearly understood policy that is disseminated throughout the workplace; to have a number of different people of different sexes and races to which employees can report the harassment; and to train everyone in the company on what is acceptable conduct and what is not acceptable." Many companies are following this advice, and hurriedly developing and communicating sexual harassment policies. Additionally, several sexual harassment prevention manuals for managers and supervisors have already hit the presses.

Nonetheless, in addition to working for effective legal remedies for sexual harassment, women must increase their personal efforts to eradicate instances of sexual harassment in the workplace. One of the most effective weapons against sexual harassment is communication. Businesses must communicate to their employees that sexual harassment will not be tolerated in the workplace. If your company does not have a policy, suggest to your supervisor or personnel manager that one be developed. On a more personal level, employees must communicate that they will not tolerate inappropriate sexual behaviors and, if they are harassed, they will file an immediate complaint.

Employers must also be educated on the very real costs of sexual harassment — costs with repercussions not only for the victim but also for the productivity and competitiveness of the company. The United States cannot afford *not* to deal with discriminatory practices. If American industry is to continue to compete effectively, it must utilize, to the fullest extent, all of its employees' knowledge and abilities. An environment free from harassment is essential for the full productivity of both female and male workers to be realized.

Although the spectacle of the Thomas hearings proved to be quite daunting, the aftermath could prove to be galvanizing. Anita Hill, speaking before a crowd of female legislators, brought down the house when she responded to a question on the proper pronunciation of harassment by saying, "It does not matter how the word is pronounced. I say once and for all: Let's pronounce it dead!" Now that the issue of sexual harassment is front and center in our collective consciousness, the time is optimal to do just that.